

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

ANTHONY KOCH,  
Plaintiff,

v.

CENTRAL MUTUAL INSURANCE  
COMPANY,  
Defendant.

§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 5:17-cv-1007

**NOTICE OF REMOVAL**

Defendant, Central Mutual Insurance Company (hereinafter referred to as “Central”), hereby files this Notice of the Removal of this case from the 288<sup>th</sup> Judicial District Court of Bexar County, Texas, to the United States District Court for the Western District of Texas, San Antonio Division, pursuant to 28 U.S.C. § 1441 and 1446(b) and would show the Court as follows:

1.

Central has been sued in Cause No. 2017CI16766, entitled “Anthony Koch v. Central Mutual Insurance Company”, currently pending in the 288<sup>th</sup> Judicial District Court of Bexar County, Texas. That lawsuit was originally filed on August 31, 2017, 2017 in the 288<sup>th</sup> Judicial District Court of Bexar County, Texas.

2.

Central first received notice of Plaintiff’s lawsuit when Central was served with Plaintiff’s lawsuit on September 18, 2017. Central is filing this notice within thirty days of that date, making this removal timely under 28 U.S.C. § 1446(b).

3.

At the date of commencement of this action and at all pertinent times, Plaintiff is a citizen

of the State of Texas, being an individual residing in and domiciled in the State of Texas

4.

At the date of commencement of this action and at all pertinent times herein, Central is a citizen of the State of Ohio, being an insurance company incorporated in the State of Ohio, and having its principal place of business in the State of Ohio.

5.

This Court has original jurisdiction of this action under 28 U.S.C. § 1332, and it may be removed to this Court by Central, pursuant to 28 U.S.C. § 1441, it being a civil action wherein the amount in controversy exceeds \$75,000.00, exclusive of interest and costs, as between citizens of different states. The amount in controversy requirement is easily satisfied by Paragraph 83 of Plaintiff's Original Petition, which shows Plaintiff is making a claim against Central for over \$100,000, but not more than \$200,000, thereby satisfying the amount in controversy required for diversity jurisdiction.

6.

Plaintiff has requested a trial by jury, having demanded same in Plaintiff's Original Petition filed in state court.

7.

The attorneys involved in the case are as follows:

Mr. Matin J. Phipps  
Texas State Bar No. 00791444  
Mr. J. Gabriel Ortiz  
Texas State Bar No. 24085512  
1322 Space Park Drive, Suite A155  
Houston, Texas 77058  
(832) 415-1432  
(281) 940-2137 (Fax)

Mr. Russell J. Bowman  
Texas State Bar No. 02751550  
800 West Airport Freeway, Suite 860  
Irving, Texas 75062  
(214) 922-0220  
(214) 922-0225 (Fax)  
E-Mail: russelljbowman@sbcglobal.net  
Attorney for Defendant

E-Mail: [gortiz@phippsllp.com](mailto:gortiz@phippsllp.com)

E-Mail: [rsoliz@phippsllp.com](mailto:rsoliz@phippsllp.com)

Attorneys for Plaintiff

8.

Copies of all the pleadings which have been filed or served in this action to date, and which are attached as Exhibit "A", include the following:

- a. Plaintiff's Original Petition; and
- b. Citation served on Central Mutual Insurance Company.

To the best of Central's knowledge, no other pleading, process or order has been filed or served in the state court lawsuit referred to above.

Wherefore, Defendant, Central Mutual Insurance Company, prays that this action be removed to this Court from the 288<sup>th</sup> Judicial District Court of Bexar County, Texas and for further proceedings as may be necessary.

Respectfully submitted,

/S/Russell J. Bowman

Russell J. Bowman

Texas State Bar No. 02751550

800 West Airport Freeway, Suite 860

Irving, Texas 75062

(214) 922-0220

(214) 922-0225 (FAX)

E-Mail: [russelljbowman@sbcglobal.net](mailto:russelljbowman@sbcglobal.net)

ATTORNEY FOR DEFENDANT

#### CERTIFICATE OF SERVICE

This is to certify that on October 8, 2017, I electronically filed the foregoing document with the clerk of court for the U. S. District Court, Southern District of Texas, using the electronic case filing system of the court.

I hereby certify that I have served a true and correct copy of the foregoing document on all counsel of record, as indicated below, on this the 8<sup>th</sup> day of October, 2017:

Mr. Martin J. Phipps  
Mr. J. Gabriel Ortiz  
Phipps, LLP  
102 9<sup>th</sup> Street  
San Antonio, Texas 78215  
Attorneys for Plaintiff

VIA E-MAIL - gortiz@phippsslpl.com  
VIA E-MAIL - rsoliz@phippsslpl.com

/S/Russell J. Bowman  
Russell J. Bowman

## EXHIBIT A